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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 KEITH E. BERRY,

11 Plaintiff,

12 v.

13 RUSSELL O'FERRELL, et al.,

14 Defendants.

CASE NO. C09-5042RBL

ORDER OF DISMISSAL

15 The Court adopted the Report and Recommendation and denied Plaintiff's application to
16 proceed *in forma pauperis*. Plaintiff was directed to pay the filing fee within 30 days of the date of
17 that Order, otherwise this action would be dismissed. Thirty days have passed since the Order
18 Adopting the Report and Recommendation was entered on September 23, 2009, and the filing fee
19 has not been paid. ACCORDINGLY, **IT IS ORDERED**: This cause of action is **DISMISSED**.

20 DATED this 28th day of October, 2009.

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23 RONALD B. LEIGHTON
24 UNITED STATES DISTRICT JUDGE
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